

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:	)	
	)	
EAGLE PROPERTIES AND	)	Bankruptcy Case
INVESTMENTS, LLC,	)	No. 23-10566-KHK
	)	Chapter 7
Debtor.	)	
<hr style="width: 50%; margin-left: 0;"/>		

**ORDER APPROVING SALE OF 449 LAWYERS RD, NW, VIENNA, VA FREE AND  
CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. §§ 363(f)**

UPON CONSIDERATION of the motion (Docket No. 415) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 449 Lawyers Rd., NW, Vienna, VA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Fulton Bank, N.A., Gus Goldsmith and Bala Jain, LLC have consented to the sale of the Property as set forth herein, free and clear of all liens, claims and interests, accordingly:

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property<sup>1</sup> to Anchor Homes LLC (the

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<sup>1</sup> Having the following legal description:

“Purchaser”) for \$850,000.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Fulton Bank, N.A. in full at closing, including the payment of attorney’s fees in the amount of \$18,085 as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”).

4. Upon the Trustee’s payment to Fulton Bank, N.A. of cash collateral from the Property in the amount of \$6,915, Fulton Bank, N.A. shall apply such cash to its attorney’s fees.

5. Fulton Bank, N.A.’s consent to this sale is conditioned on receipt of full payment of principal, interest, late charges, and legal fees of \$25,000.00.

6. The Trustee is authorized to pay the secured claim of Gus Goldsmith in the amount of \$163,647.88 consistent with the ALTA. Gus Goldsmith’s consent to this sale and release of liens is conditioned upon receipt of total proceeds of \$338,647.88 from the sale of the Property and the sale of the property located at 1010 Lynn Street, SW, Vienna, Virginia with such sales closing contemporaneously.

7. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$25,500.00 representing his commission under Section 326 of the Bankruptcy Code plus \$42,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims

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Lot Ninety-Seven (97) and part of Lot Ninety-Six (96), Section Two (2), VIENNA HILLS and a Resubdivision of Out Lot of a Resubdivision of Lots 10, 11 and 12, and Out Lot of Section One, Vienna Hills, Town of Vienna, Fairfax County, Virginia, as the same appears duly dedicated, platted and recorded in Deed Book 1235 at Page 357, among the Fairfax County, Virginia, Land Records; the description of the portion of Lot 96 hereby conveyed being described as follows:

BEGINNING at a point on the Southeasterly line of Upham Place, a corner to Lots 96 and 97, Section 2, VIENNA HILLS; thence with the said line of Upham Place, N. 33 degrees 38' 57" E. 10.00 feet to a point; thence through the said Lot 96, S. 54 degrees 14' 23 " E. 103.75 feet to a point in the line of Lot 66; thence with Lot 97, N. 54 degrees 14' 23 " W. 103.38 feet to the point of beginning, containing 1,036 square feet, lying and being in the County of Fairfax, Virginia.

and interests.

8. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

9. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Innovation at closing for services rendered in representing the Purchaser in connection with the sale.

10. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

11. The Trustee is authorized to pay Bala Jain, LLC the remaining net proceeds of sale after all costs, consistent with the ALTA.

12. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

13. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

14. This Order may be recorded in the land records wherein the subject Property is located.

15. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

16. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: May 22 2024

/s/ Klinette H Kindred  
United States Bankruptcy Judge

Entered On Docket: May 23 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001  
Tel: (202) 689-2800  
Fax: (202) 689-2860  
Email: [dylan.trache@nelsonmullins.com](mailto:dylan.trache@nelsonmullins.com)

By: /s/ Dylan G. Trache  
Dylan G. Trache, Va. Bar No. 45939

*Counsel to the Chapter 7 Trustee*

SEEN AND AGREED:

GORDON FEINBLATT LLC  
1001 Fleet Street, Suite 700  
Baltimore, Maryland 21202  
Phone/Fax No. (410) 576-4194  
E-mail: [dmusgrave@gfrlaw.com](mailto:dmusgrave@gfrlaw.com)

BY: /s/David S. Musgrave (by DGT with authority)  
David S. Musgrave (Bar No. 35327)

*Attorneys for Fulton Bank, N.A.*

AND

ROGAN MILLER ZIMMERMAN, PLLC

50 Catoctin Circle, NE, Suite 300  
Leesburg, Virginia 20176  
Phone No. (703) 777-8850  
Fax No: (703) 777-8854  
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)  
Christopher L. Rogan (Bar No. 30344)

*Attorneys for Bala Jain, LLC*

AND

MCNAMEE, HOSEA, P.A  
6404 Ivy Lane, Suite 820  
Greenbelt, MD 20770  
Phone No.: (301) 441-2420  
E-mail: jfasano@mhlawyers.com

BY: /s/ Justin P. Fasano (by DGT with authority)  
Justin P. Fasano (Bar No. 75983)

*Attorneys for Gus Goldsmith*

**CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)**

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache  
Dylan G. Trache

**LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY**  
**PURSUANT TO LOCAL RULE 9022-1**

Dylan G. Trache  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001

Michael Freeman  
OFFICE OF THE UNITED STATES TRUSTEE  
1725 Duke Street, Suite 650  
Alexandria, Virginia 22314

Stephen Karbelk  
Team Leader, RealMarkets  
Century 21 New Millennium  
Century 21 Commercial New Millennium  
6629 Old Dominion Drive  
McLean, VA 22101

David S. Musgrave  
GORDON FEINBLATT LLC  
1001 Fleet Street, Suite 700  
Baltimore, MD 21202

Justin Fasano  
MCNAMEE, HOSEA, P.A  
6404 Ivy Lane, Suite 820  
Greenbelt, MD 20770

Christopher Rogan  
ROGAN MILLER ZIMMERMAN, PLLC  
50 Catoctin Circle, NE, Suite 300  
Leesburg, Virginia 20176

## **Exhibit A**

4. <input type="checkbox"/> VA		5. <input type="checkbox"/> Conv. Ins.		1-23493			
<div>Case 23-10566-KHK Doc 473 Filed 05/23/24 Entered 05/23/24 13:39:05 Desc Main Document Page 8 of 10</div> <b>C. Note:</b> This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals.							
D. Name and Address of Borrower ANCHOR HOMES LLC 6862 Elm Street, #100 McLean, VA 22101				E. Name and Address of Seller H. Jason Gold, Chapter 7 Trustee in Bankruptcy in re: Eagle Properties and Investments LLC		F. Name and Address of Lender NOT APPLICABLE (CASH TRANSACTION)	
G. Property Location 449 Lawyers Road, NW Vienna, VA 22180  Lot 97 & Pt of Lot 96, Section 2, VIENNA HILLS Town of Vienna, Fairfax County, VA				H. Settlement Agent William A. Marshall, Attorney-at-Law 7006-G Little River Turnpike, Annandale, VA 22003			
				Place of Settlement 7006 Little River Turnpike, Suite G Annandale, Virginia 22003		I. Settlement Date 05/30/2024	
				DD: 05/30/2024			
<b>J. SUMMARY OF BORROWER'S TRANSACTION:</b>				<b>K. SUMMARY OF SELLER'S TRANSACTION:</b>			
100. <b>GROSS AMOUNT DUE FROM BORROWER</b>				400. <b>GROSS AMOUNT DUE TO SELLER</b>			
101. Contract sales price		850,000.00		401. Contract sales price		850,000.00	
102. Personal property				402. Personal property			
103. Settlement charges to borrower (line 1400)		6,467.33		403.			
104.				404.			
105.				405.			
<b>Adjustments for items paid by seller in advance</b>				<b>Adjustments for items paid by seller in advance</b>			
106. City/town taxes		05/30/24 to 06/30/24 145.11		406. City/town taxes		05/30/24 to 06/30/24 145.11	
107. County taxes		05/30/24 to 06/30/24 869.52		407. County taxes		05/30/24 to 06/30/24 869.52	
108. Assessments		to		408. Assessments		to	
109.				409.			
110.				410.			
111.				411.			
112.				412.			
120. <b>GROSS AMOUNT DUE FROM BORROWER</b>		857,481.96		420. <b>GROSS AMOUNT DUE TO SELLER</b>		851,014.63	
200. <b>AMOUNTS PAID BY OR IN BEHALF OF BORROWER</b>				500. <b>REDUCTIONS IN AMOUNT TO SELLER</b>			
201. Deposit or earnest money		50,000.00		501. Excess Deposit (see instructions)			
202. Principal amount of new loan(s)				502. Settlement charges to seller (line 1400)		153,045.72	
203. Existing loan(s) taken subject to				503. Existing loans taken subject to			
204.				504. Payoff of first mortgage loan		532,997.08	
				FULTON BANK, N.A.			
205.				505. Payoff of second mortgage loan		163,647.88	
				GUS GOLDSMITH			
206.				506. Payoff to BALA JAIN LLC		1,323.95	
207.				507.			
208.				508.			
209. Agent Credit		21,250.00		509.			
<b>Adjustments for items unpaid by seller</b>				<b>Adjustments for items unpaid by seller</b>			
210. City/town taxes		to		510. City/town taxes		to	
211. County taxes		to		511. County taxes		to	
212. Assessments		to		512. Assessments		to	
213.				513.			
214.				514.			
215.				515.			
216.				516.			
217.				517.			
218.				518.			
219.				519.			
220. <b>TOTAL PAID BY / FOR BORROWER</b>		71,250.00		520. <b>TOTAL REDUCTION AMOUNT DUE SELLER</b>		851,014.63	
300. <b>CASH AT SETTLEMENT FROM OR TO BORROWER</b>				600. <b>CASH AT SETTLEMENT TO OR FROM SELLER</b>			
301. Gross amount due from borrower (line 120)		857,481.96		601. Gross amount due to seller (line 420)		851,014.63	
302. Less amounts paid by/for borrower (line 220)		71,250.00		602. Less reduction amount due to seller (line 520)		851,014.63	
303. <b>CASH</b>		FROM <b>BORROWER</b>		603. <b>CASH</b>		TO <b>SELLER</b>	
		786,231.96				0.00	



704.	ITEMS PAYABLE IN CONNECTION WITH LOAN			P.O.C.		
800.	Case 2:23-cv-01056-KHK Doc 473 Filed 05/23/24 Entered 05/23/24 13:39:05 Desc Main Document Page 9 of 10					
801.	Loan Origination Fee	%				
802.	Loan Discount	%				
803.	Appraisal Fee	to				
804.	Credit Report	to				
805.	Lender's Inspection Fee	to				
806.	Document Prep.Fee	to				
807.	Tax Service Fee	to				
808.						
809.						
810.						
811.						
812.						
813.						
814.						
815.						
900.	ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE					
901.	Interest from	to @\$ /day				
902.	Mortgage Insurance Premium	to				
903.	Hazard Insurance Premium	yrs. to				
904.						
905.						
1000.	RESERVES DEPOSITED WITH LENDER FOR					
1001.	Hazard Insurance	mo. @\$ / mo.				
1002.	Mortgage Insurance	mo. @\$ / mo.				
1003.	City property taxes	mo. @\$ / mo.				
1004.	County property taxes	mo. @\$ / mo.				
1005.	Annual Assessments	mo. @\$ / mo.				
1006.		mo. @\$ / mo.				
1007.		mo. @\$ / mo.				
1008.	Aggregate Reserve for Hazard/Flood Ins, City/Count					
1100.	TITLE CHARGES					
1101.	Settlement or closing fee	to William A. Marshall, Attorney-at-Law		375.00		150.00
1102.	Abstract or title search	to AHA, LLC		225.00		
1103.	Title examination	to William A. Marshall, Attorney-at-Law		150.00		
1104.	Title insurance binder	to				
1105.	Document preparation	to William A. Marshall, Attorney-at-Law		185.00		
1106.	Notary fees	to				
1107.	Attorney's fees	to				
	(includes above item No: )					
1108.	Title insurance	to Guarantee Title Insurance Agency, Inc./CWL		2,082.00		
	(includes above item No: )					
1109.	Lender's coverage					
1110.	Owner's coverage 850,000.00 -- 2,082.00 Standard Policy/Reissue Rate/Nego Premium (Optional)					
1111.	Overnight Delivery Svc & Hndlg	William A. Marshall, Attorney-at-Law		50.00		
1112.	Reconveyance Tracking Service	William A. Marshall, Attorney-at-Law		85.00		
1113.	Additional Charges *** See Attached Addendum ***			85.00		
1200.	GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201.	Recording fees	Deed \$ 47.00 ; Mortgage \$ ; Releases \$		47.00		
1202.	City/county/stamps	Deed \$ 708.33 ; Mortgage \$		708.33		
1203.	State tax/stamps	Deed \$ 2,125.00 ; Mortgage \$		2,125.00		
1204.	GRANTORS TAX	Deed \$ 850.00 ; Mortgage \$				850.00
1205.	Additional Charges *** See Attached Addendum ***					1,700.00
1300.	ADDITIONAL SETTLEMENT CHARGES					
1301.	Survey	to N/A				
1302.	Pest inspection	to N/A				
1303.	Expense Reimbursement	RealMarkets				1,000.00
1304.	Bankruptcy Estate Payment	H. Jason Gold, Trustee				42,500.00
1305.	326(a) Trustee Commission	H. Jason Gold, Trustee				25,500.00
1306.	Legal Fees	Gordon Feinblatt LLC 6915S				18,085.00
1307.	Delinquent 2023 RE Taxes	Town of Vienna				332.64
1308.	Additional Charges *** See Attached Addendum ***					16,178.08
1400.	TOTAL SETTLEMENT CHARGES (enter on lines 103 and 502, Sections J and K)			6,467.33		153,045.72

File Number: T-23493

Settlement Date: 05/30/24

Proration Date: 05/30/24

**SELLER(S):**  
H. Jason Gold, and Chapter 7 Trustee in  
Bankruptcy in re: and Eagle Properties and Investments LLC

**PURCHASER(S):**  
ANCHOR HOMES LLC

**LENDER:**  
NOT APPLICABLE (CASH TRANSACTION)

Loan Amount:

Loan Number: -----

**PROPERTY:**  
449 Lawyers Road, NW, Vienna, VA 22180  
Lot 97 & Pt of Lot 96, Section 2, VIENNA HILLS, Town of Vienna, Fairfax County, VA

Borrower

Seller

ITEMS PAYABLE IN CONNECTION WITH LOAN

816.		
817.		
818.		
819.		
TOTALS		

TITLE CHARGES

1114.	Technology & Storage Fee	Landtech	35.00	
1115.	Wire Fee	William A. Marshall, Attorney-at-Law	45.00	
1116.	e-Record Fee	Simplifile	5.00	
1117.				
1118.				
1119.				
1120.				
1121.				
TOTALS			85.00	

GOVERNMENT RECORDING AND TRANSFER CHARGES

1206.	REG. WMATA CAPITAL	DEED \$ 850.00	Mortgage \$		850.00
1207.	REG. CONG. RELIEF	DEED \$ 850.00	Mortgage \$		850.00
1208.					
1209.					
1210.					
1211.					
1212.					
TOTALS					1,700.00

ADDITIONAL SETTLEMENT CHARGES

1309.	Delinquent 2023 RE Taxes	Fairfax County, Dept. of Tax Admin.		10,407.41
1310.	Town RE Taxes 2024 EST	Town of Vienna		825.29
1311.	County RE Taxes 2024 EST	Fairfax County, Dept. of Tax Admin.		4,945.38
1312.				
1313.				
TOTALS				16,178.08

PRELIMINARY